

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
-----X
UNITED STATES OF AMERICA,

08 CR 887 (SJ)

v.

ORDER GRANTING
EARLY TERMINATION
OF PROBATION

THOMAS P. BEAGUE,

Defendant.
-----X

A P P E A R A N C E S
LORETTA E. LYNCH
United States Attorney, EDNY
271 Cadman Plaza East
Brooklyn, New York 11201
By: Winston M. Paes
Attorney for the United States

LARUSSO & CONWAY
300 Old Country Road
Suite 341
Mineola, NY 11501
By: Joseph R. Conway
Attorney for Defendant

JOHNSON, Senior District Judge:

Defendant Thomas P. Beague ("Defendant") pled guilty to a one count Information charging him with healthcare fraud, in violation of 18 U.S.C. § 1347. The applicable Guidelines range in this case was 24 to 30 months' imprisonment.

On November 6, 2009, Defendant was sentenced to 60 months probation and was ordered to pay \$750,000 in forfeiture and \$82,628 in restitution. Defendant satisfied the forfeiture and restitution portions of his sentence.

After serving 40 months of his 60 month term, Defendant filed the instant motion for early termination of probation. The government opposes Defendant's motion, arguing that "early termination" is warranted only for "extraordinary" circumstances. The Probation Department recommends that Defendant's motion be granted. In a letter dated, March 19, 2013, Probation describes Defendant as a model probationer. Based on his compliance, he was transferred to the Low Intensity Unit ("LIU"). The LIU "waives office, employment and home contacts both as a reward to compliant individuals and so that traditional caseloads can remain lower in order to allow more intense supervision for those that require it."

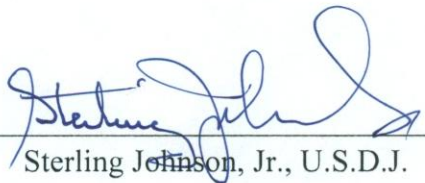
On March 1, 2013, after efforts to resolve budgetary and other fiscal issues between the Administration and the Congress failed, sequestration set in. Every agency in the criminal justice system, including Probation, is affected. Probation officers are being furloughed and caseloads have increased significantly.

Based on the Defendant's performance since he has been on probation, I agree with the recommendation of the Probation Department. In the interest of justice, I feel the proper allocation of limited resources should best be applied to those who require more intense supervision.

Accordingly, Defendant's motion for early termination of probation is
GRANTED.

SO ORDERED.

Dated: March 26, 2013
Brooklyn, New York


Sterling Johnson, Jr., U.S.D.J.